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IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

TWENTY-THIRD LEGISLATIVE DAY
TUESDAY, FEBRUARY 1, 2005

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Burkett, Lodge, and Stegner, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Brittany Mullen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator Stegner was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 31, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Burkett and Lodge were recorded present at this order of business.

February 1, 2005

The JUDICIARY AND RULES Committee reports that **S 1067, S 1068, S 1069, S 1070, S 1071, S 1072, S 1073, S 1074, S 1075, and S 1076** have been correctly printed.

DARRINGTON, Chairman

S 1067, S 1068, S 1069, S 1070, S 1071, S 1072, and S 1073 were referred to the Judiciary and Rules Committee.

S 1074, S 1075, and S 1076 were referred to the State Affairs Committee.

February 1, 2005

The JUDICIARY AND RULES Committee reports that **SR 102, SR 103, and SR 104** have been correctly printed and reported out with the recommendation that they do pass.

DARRINGTON, Chairman

SR 102, SR 103, and SR 104 were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 31, 2005

The JUDICIARY AND RULES Committee reports out **S 1013, S 1014, S 1016, and S 1040** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1013, S 1014, S 1016, and S 1040 were filed for second reading.

January 31, 2005

The JUDICIARY AND RULES Committee reports out **S 1039** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1039** was referred to the Fourteenth Order of Business, General Calendar.

January 31, 2005

The JUDICIARY AND RULES Committee reports out **S 1015** without recommendation.

DARRINGTON, Chairman

S 1015 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

January 31, 2005

Mr. President:

I transmit herewith **H 12, H 13, and H 15** which have passed the House.

JUKER, Chief Clerk

H 12, H 13, and H 15 were filed for first reading.

January 31, 2005

Mr. President:

I return herewith **S 1027** which has passed the House.

JUKER, Chief Clerk

S 1027 was referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced the Education Committee report, having been held, relative to the Gubernatorial appointment of Karen A. McGee was before the Senate for final consideration.

Moved by Senator Noble, seconded by Senator Davis, that the report of the Education Committee be adopted. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Schroeder, Stennett, and Burkett.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Stegner, Sweet, Williams (Williams). Total - 28.

NAYS--Burkett, Kelly, Langhorst, Schroeder, Stennett, Werk. Total - 6.

Absent and excused--Malepeai. Total - 1.

Total - 35.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Clifford T. Hayes was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Compton, seconded by Senator Werk the Gubernatorial appointment of Clifford T. Hayes as a member of the Public Employee Retirement System of Idaho was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1077

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO BAIL; AMENDING SECTION 19-2902, IDAHO CODE, TO SET FORTH THE PURPOSE OF BAIL AND TO PROVIDE DESCRIPTIVE LANGUAGE; AMENDING SECTION 19-2927, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE FORFEITURE OF BAIL; AMENDING SECTIONS 19-2928 AND 19-2929, IDAHO CODE, TO REVISE APPLICABLE TIME LIMITS; AND AMENDING SECTION 41-1042, IDAHO CODE, TO CLARIFY THAT CERTAIN CONTRACTUAL REMEDIES OF A BAIL SURETY OR BAIL AGENT ARE NOT LIMITED.

S 1078

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE CHILDREN'S TRUST FUND; AMENDING SECTION 39-6007, IDAHO CODE, TO CLARIFY THAT THE CHECK-OFF EXPIRES WHEN THE BALANCE IN THE TRUST FUND REACHES TWO MILLION FIVE HUNDRED THOUSAND DOLLARS.

S 1079

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO SERVICES TO VICTIMS OF CYSTIC FIBROSIS; REPEALING SECTION 56-1019, IDAHO CODE.

S 1077, **S 1078**, and **S 1079** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 12, **H 13**, and **H 15**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1019, by Schroeder, was read the second time at length and filed for third reading.

S 1032 and **S 1033**, by Resources and Environment Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **SJR 101** was placed at the head of the Third Reading Calendar and held for one legislative day.

H 4, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Andreason, Goedde, and Malepeai arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams (Williams). Total - 35.

Whereupon the President declared **H 4** passed, title was approved, and the bill ordered returned to the House.

S 1003, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams (Williams). Total - 35.

Whereupon the President declared **S 1003** passed, title was approved, and the bill ordered transmitted to the House.

H 9 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams (Williams). Total - 35.

Whereupon the President declared **H 9** passed, title was approved, and the bill ordered returned to the House.

S 1008 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams (Williams). Total - 35.

Whereupon the President declared **S 1008** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m., Wednesday, February 2, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary